

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PETRA RUSSELL,

CASE NO. C22-0531JLR

Plaintiff,

ORDER

V.

WADOT CAPITAL, INC., et al.,

Defendants.

Before the court is Plaintiff Petra Russell’s motion to amend her complaint. (Mot. # 29); *see* Prop. 2d Am. Compl. (Dkt. # 29-2).) None of the eleven current named defendants responded to Ms. Russell’s motion by the October 24, 2022 deadline to file opposition briefs. (*See* Dkt.); *see* Local Rules W.D. Wash. LCR 7(d)(3) (stating that opposition papers, if any, shall be filed and served not later than the Monday before the filing date for the motion).

Federal Rule of Civil Procedure 15(a)(2) states that “[t]he court should freely give [to amend the complaint] when justice so requires.” Fed. R. Civ. P. 15(a)(2).

1 Courts consider five factors when assessing a motion for leave to amend: (1) bad faith,
 2 (2) undue delay, (3) prejudice to the opposing party, (4) futility of amendment, and
 3 (5) whether the party has previously amended its pleading. *Allen v. City of Beverly Hills*,
 4 911 F.2d 367, 373 (9th Cir. 1990) (citing *Ascon Props., Inc. v. Mobil Oil Co.*, 866 F.2d
 5 1149, 1160 (9th Cir. 1989)). Prejudice to the opposing party is the “touchstone of the
 6 inquiry under [R]ule 15(a).” *Eminence Capital, LLC v. Aspeon, Inc.*, 316 F.3d 1048,
 7 1052 (9th Cir. 2003). “Absent prejudice, or a strong showing of any of the
 8 remaining . . . factors, there exists a *presumption* under Rule 15(a) in favor of granting
 9 leave to amend.” *Id.* (emphasis in original). “Except for motions for summary judgment,
 10 if a party fails to file papers in opposition to a motion, such failure may be considered by
 11 the court as an admission that the motion has merit.” Local Rules W.D. Wash. LCR
 12 7(b)(2).

13 Here, Ms. Russell seeks to add Jared Ekdahl and National Capital Partners, Inc. as
 14 Defendants and to replace Defendant Jane Doe Lindstrom with named Defendant Tina
 15 Lindstrom. (*See generally* Mot.; Prop. 2d Am. Compl.) In light of the presumption in
 16 favor of granting leave to amend, and taking Defendants’ failure to oppose Ms. Russell’s
 17 motion as an admission that the motion has merit, the court GRANTS Ms. Russell’s
 18 motion to amend (Dkt. # 29). Ms. Russell shall file her second amended complaint on
 19 the court’s docket by no later than **November 1, 2022**.

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1 Dated this 25th day of October, 2022.

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JAMES L. ROBART
United States District Judge